



## 220603- Affidavit of RMB Kelly.pdf

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### E-Signature Summary

#### E-Signature 1: Ryan M. Billings (RMB)

June 03, 2022 09:05:47 -8:00 [DA3779F655E2] [65.25.188.163]  
rbillings@kmksc.com (Principal) (Personally Known)

#### E-Signature Notary: Billie Jo Jentsch (bjj)

June 03, 2022 09:05:47 -8:00 [2743FEA3F20F] [71.87.123.18]  
bjentsch@kmksc.com

I, Billie Jo Jentsch, did witness the participants named above electronically sign this document.



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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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FLOYD'S OF LEADVILLE, INC.,  
N/K/A VALUED, INC.,

Plaintiff,

v.

CASE NO.: 1:22-cv-03318-MKV

ALEXANDER CAPITAL, L.P., NESA  
MANAGEMENT, LLC, JOSEPH ANTHONY AMATO,  
ROCCO GERARD GUIDICIPIETRO, JONATHAN GAZDAK,  
GREGORY HURLEY, HOWARD DASILVA,  
BARRIE CLAPHAM, MARK LEONARD,  
THIEN TRUONG, PROVISION HOLDING, INC.,  
TIMOTHY KELLY, AND THREE DDD LLC,

Defendants.

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**AFFIDAVIT OF RYAN M. BILLINGS**

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STATE OF WISCONSIN      )  
                                  ) SS  
MILWAUKEE COUNTY      )

Ryan M. Billings, being duly sworn, states:

1. I am an attorney with the law firm of Kohner, Mann & Kailas, S.C. I represent plaintiff Floyd's of Leadville, Inc., in the above-captioned action, and I make this affidavit on personal knowledge in support of plaintiff's request for Clerk's Certificate of Default.
2. A summons and complaint was filed in this action on April 22, 2022. On May 4, 2022, defendant Timothy Kelly ("Kelly") was personally served with an authenticated copy of the summons and complaint in this action. A true and correct copy of the Affidavit of Service is attached hereto as "Exhibit A."
3. Kelly is not an infant, in the military or an incompetent person.



4. As provided in Fed. R. Civ. P. 12(a)(1)(C), Kelly's time to answer or otherwise respond to the complaint expired on May 25, 2022. As of the date of this affidavit, Kelly has not answered or otherwise responded to the summons and complaint, and is in default.

Ryan M. Billings  
Signed on 2022/06/03 09:05:47 -8:00

Ryan M. Billings

Subscribed and sworn before me  
this 3rd day of June 2022.

*Billie Jentsch*  
Signed on 2022/06/03 09:05:47 -8:00

Notary Public, State of Wisconsin  
My commission expires: 9/19/25

*This notarial act involved the use of  
communication technology.*

Billie Jo Jentsch  
Notary Public - State of Wisconsin  
My Commission Expires Sep 19, 2025  
DocVerify  
Notary Stamp 2022/06/03 09:05:47 PST  
2749FEA3AF20F

Notarial act performed by audio-visual communication

